

Resolution 2010-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, SUPPORTING LEGISLATIVE EFFORTS TO EXTEND LIFE SAFETY RETROFIT RELIEF TO COMMUNITY ASSOCIATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are approximately 57,000 mandatory community associations in the State of Florida; and

WHEREAS, the NFPA-1 and NFPA-101 (also known as Life Safety Code) has been adopted by all 50 states; and

WHEREAS, most states made exceptions and accommodations for existing residential structures when adopting the Life Safety Code but the State of Florida to date, has failed to do so; and

WHEREAS, the State of Florida currently leads the country in terms of residential foreclosure filings and devaluation of property values; and

WHEREAS, Broward County has received valuable input from private residential communities within its borders who are impacted by many of the costly life safety (sprinkler, fire alarm, etc.) retrofits currently being requested; and

WHEREAS, the Florida Legislature has twice before unanimously passed legislation to extend retrofit relief to the millions of impacted Floridians and twice before such legislation has been wiped out by gubernatorial veto; and

WHEREAS, the Broward County Board of County Commissioners appreciates and understands the economic tsunami that will ensue should such relief not be forthcoming and finally passed during the 2010 Regular Legislative Session;

1 WHEREAS, there has been no verifiable data that requiring common area
2 sprinklers alone in concrete block construction buildings will save the lives of owners
3 inside their units; and

4 WHEREAS, there are two bills currently pending, HB 561 sponsored by
5 Representative Ellyn Bogdanoff, and SB 1222 sponsored by Senator Jeremy Ring, that
6 in part, will allow a community's membership the right of self determination with regard
7 to whether or not their common elements and/or units of owners should be subject to
8 life safety retrofit requirements (sprinkler, fire alarm, etc.); and

9 WHEREAS, the two bills currently pending, HB 561 and SB 1222, provide in part,
10 for an extension date for completion of life safety retrofit requirements from 2014 until
11 the end of 2019; and

12 WHEREAS, the Broward County Board of County Commissioners supports the
13 efforts of these legislators to help millions of financially struggling citizens of this State;
14 and

15 WHEREAS, other states have recognized the importance of distinguishing
16 between existing buildings that met Code requirements at the time of their construction
17 and new construction; NOW, THEREFORE,

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19 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
20 BROWARD COUNTY, FLORIDA:

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22 Section 1. The Broward County Board of County Commissioners recognizes,
23 and asks Governor Charlie Crist and the Florida State Legislature to acknowledge the
24 economic hardship created by enforcing Life Safety Code retrofits (for sprinkler, fire

1 alarm, etc.) at a time in history when community associations are least able to survive
2 such projects.

3 Section 2. The Broward County Board of County Commissioners asks Governor
4 Charlie Crist and the Florida State Legislature to return this issue to the will of the
5 people most vested in its outcome: the individual members of the impacted
6 communities.

7 Section 3. The Broward County Board of County Commissioners does hereby
8 declare, and urge Governor Charlie Crist to adhere to the will of the Florida Legislature
9 and the millions of impacted Floridians and allow that part of HB 561 and SB 1222 (as
10 same may be amended or renumbered) which provides for a community's membership
11 the right of self determination with regard to whether or not their common elements
12 and/or units of owners should be subject to life safety retrofit requirements (sprinkler,
13 fire alarm, etc.) and further, which provides for an extension date for completing of life
14 safety retrofit requirements (sprinkler, fire alarm, etc.) from 2014 to the end of 2019, to
15 pass safely into law.

16 Section 4. SEVERABILITY.

17 If any portion of this Resolution is determined by any Court to be invalid, the
18 invalid portion shall be stricken, and such striking shall not affect the validity of the
19 remainder of this Resolution. If any Court determines that this Resolution, or any
20 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
21 property(ies), or circumstance(s), such determination shall not affect the applicability
22 hereof to any other individual, group, entity, property, or circumstance.

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Section 5. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this 9th day March, 2010. #39

CLK/bjl
03/04/10
Lifesafetycodereso.Doc
#10-026.06